

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

VICTOR HURNS

PETITIONER

v.

No. 2:97CV26-GHD

JAMES V. ANDERSON, ET AL.

RESPONDENTS

**ORDER DENYING PETITIONER'S MOTIONS [84], [85]
FOR COPIES OF VARIOUS PORTIONS OF THE RECORD**

This matter comes before the court on the motions [84], [85] by the petitioner for copies of various documents from the record in this case. This case has been closed for over two decades, and the petitioner has not identified any specific need for these documents to collaterally attack his conviction. Indeed, this case is now before the Fifth Circuit Court of Appeals for a determination regarding whether Mr. Hurns may file a successive *habeas corpus* petition. Mr. Hurns has filed numerous challenges to this court's denial of *habeas corpus* relief over the years.

A prisoner is not entitled to a free transcript for the purpose of searching the record for defects in an effort to glean some basis to support an effort to overturn a criminal conviction. *United States v. Herrera*, 474 F.2d 1049 (5th Cir. 1973). There are two factors to consider when reviewing a petitioner's request for a copy of his trial transcript: (1) the value of the transcript to the petitioner in connection with the proceedings for which it is sought, and (2) the availability of alternative devices that would fulfill the same functions as a transcript. *See, Tague v. Puckett*, 874 F.2d 1013, 1014 (5th Cir. 1989) *citing*, *Britt v. North Carolina*, 404 U.S. 226, 227 (1971). In this case, Victor Hurns has not identified a specific need for the documents. As such, the instant motions [84], [85] are **DENIED** without prejudice to the defendant's ability to seek the documents again after demonstrating specifically how they would assist during his pursuit of 28

U.S.C. § 2254 relief.

SO ORDERED, this, the 16th day of March, 2021.



SENIOR UNITED STATES DISTRICT JUDGE